

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

May 16, 2013

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LINDSEY KENT SPRINGER,

Defendant - Appellant.

No. 13-5062
(D.C. No. 4:13-CV-00145-SPF-TLW)

ORDER

Briefing on the merits is TOLLED, pending further order of this court.

The court is considering summary disposition of this appeal because it appears that the orders Mr. Springer seeks to appeal are not final orders that are appealable at this time.

This court's appellate jurisdiction is generally limited to review of final decisions. *See* 28 U.S.C. § 1291 (courts of appeals have jurisdiction over appeals from final decisions of the district courts); *U.S. v. Nixon*, 418 U.S. 683, 690-92 (1974); *Albright v. Unum Life Ins. Co.* 59 F. 3d 1089, 1092 (10th Cir. 1995). A final decision under 28 U.S.C. § 1291 is one that terminates "all matters as to all parties and causes of action." *D & H Marketers, Inc. v. Freedom Oil and Gas, Inc.* 744 F. 2d 1443, 1444 (10th Cir. 1984).

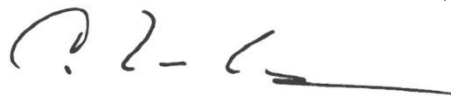
Based on a review of the district court's docket, it appears that this matter remains pending before the district court and that no final decision has been issued.

Therefore, within 21 days of the date of this order, Mr. Springer may file a response to this order, showing cause why this appeal should not be dismissed for lack of jurisdiction. (Failure to file a proper response to this order within 21 days may result in the dismissal of this appeal for lack of prosecution. *See* 10th Cir. R. 42.1.)

Alternatively, Mr. Springer may file a motion for voluntary dismissal of this appeal, pursuant to Fed. R. App. P. 42 (b). Or, he may elect to do nothing and this appeal will be dismissed for failure to prosecute. *See* 10th Cir. R. 42.1.

The court notes that Mr. Springer may file a new appeal, in compliance with the court rules, after the district court enters a final judgment in his case, if he wishes.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in black ink, appearing to read 'Christine Van Coney', with a long horizontal line extending to the right.

by: Christine Van Coney
Counsel to the Clerk

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT
OFFICE OF THE CLERK**

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1823 Stout Street
Denver, Colorado 80257
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Elisabeth A. Shumaker
Clerk of Court

May 16, 2013

Douglas E. Cressler
Chief Deputy Clerk

Lindsey K. Springer
02580-063
FCI - Big Spring
1900 Simler Avenue
Big Spring, TX 79720

RE: 13-5062, United States v. Springer
Dist/Ag docket: 4:13-CV-00145-SPF-TLW, 4:09-CR-00043-SPF-1

Dear Appellant:

Enclosed please find an order issued today by the court.

Please contact this office if you have questions.

Sincerely,



Elisabeth A. Shumaker
Clerk of the Court

cc: Jeffrey Andrew Gallant
Charles Anthony O'Reilly

EAS/sls